

# THE DAILY COMMONWEALTH.

VOL. 3.

FRANKFORT,

KENTUCKY, FEBRUARY 10, 1847.

NO. 35.

PRINTED AND PUBLISHED BY  
A. G. Hodges, Tho. J. Todd, John W. Pruitt & John W. Finnell,  
UNDER THE FIRM OF

A. G. HODGES & CO.

J. W. FINNELL, EDITOR.

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For the "DAILY COMMONWEALTH," during the Session of the Legislature, \$1 in advance. The "DAILY COMMONWEALTH" printed on a large mammoth sheet, will hereafter be furnished to subscribers at \$2, in advance, or \$2 50 at the expiration of six months. The "WEEKLY COMMONWEALTH" will be furnished to subscribers during the Session of the Legislature, for 50 cents in advance.

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For any number of lines over 10 and not exceeding 20, first insertion. 80  
And for each insertion of the same advertisement, over 10 and not exceeding 20 lines. 15  
Longer advertisements will be inserted on liberal terms.

## General Advertisements.

**INSURANCE.**  
THE LEXINGTON FIRE, LIFE AND MARINE INSURANCE COMPANY.

CHARTERED IN 1836.

CAPITAL---\$600,000!

WILL insure Buildings, Furniture, Merchandise, &c. against loss or damage by fire, in town or country. Steam and Keel boats, and their cargoes, against the damages of river navigation.

THE lives of Slaves are also insured by this Company.

R. H. CRITTENDEN, Agent.

Office at Todd & Crittenden's Counting Room.

September 8, 1846---736-15

**INSURANCE.**

KENTUCKY AND LOUISVILLE MUTUAL INSURANCE COMPANY.

JAMES M. DOTY,  
ATTORNEY AND COUNSELLOR AT LAW,  
GLASGOW, KENTUCKY,

WILL give his prompt attention to all business committed to his care, in the counties of Barren, Green, Hart, Edmonson, Warren, Monroe, Cumberland and Adair, and attend especially to the collection of claims in those counties.

January 20, 1846---600-15

LAW NOTICE.

FRANKLIN BELLINGER, late of Barboursville, Kentucky. is now permanently settled in Harrodsburg, Kentucky. He will attend to any business in the line of his profession which may be confided to his care in Mercer or any of the adjoining counties, or in the Federal Court, General Court, or Court of Appeals, which sit in Frankfort.

Feb. 17, 1846---607-15

LAW NOTICE.

FITCH MCGNER, Attorney at Law, Carlisle, Nicholas County, Kentucky.

WILL attend to all business entrusted to him in the county of Nicholas and surrounding counties.

Refer to N. L. FINNELL, Covington, Ky.

JOHN B. McILVAINE, Mayfield, Ky.

JOHN W. FINNELL, Frankfort.

Carlisle, Sept. 8, 1846---736-15

WILL practice in the Courts held in Cumberland and the adjoining counties.

March 17, 1846---701-15

MANSION HOUSE,

Corner of Main and St. Clair Streets, Frankfort, Ky.

A. J. WEST, late of Cynthiana, and Mrs. E. P. GRIMES, of the Olympian Springs, respectfully announce to their friends and the public generally, that they have taken this large and commodious establishment, and are prepared to entertain their guests in the best manner. The building is situated, being the property of the Steamboat Landing and the Cabin Grounds, is now undergoing a thorough refitting and repairing, in such a style as will make it rank among the very best Hotels in the Western Country.

The proprietors will endeavor, in all things, to promote the comfort and convenience of their guests, when they are with a visit, and hope that their long experience in the business will entitle them to merit a liberal share of public favor.

The house is well adapted for a Hotel; the rooms are large and comfortable; the family rooms in the private apartment and surrounding house, both in winter and summer. Strict attention will at all times be given to Stage, Steamboat and Railroad passengers, and their baggage are taken to, and from the Railroad depot and Steamboat Landing in coaches, free of charge. All the Stages necessarily pass by, or start from this house, daily.

Frankfort, Ky., Dec. 8, 1846---7-15

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The elasticity of the Weisiger House as a summer house for Southern families, has induced them for their consideration. The beautiful and picturesque scenery around Frankfort, uniting as this place does, every real enjoyment of a large city with the peasant's solitude of a rural retreat, command it strongly to Southern tourists.

He has likewise, a well selected assortment of FAMILY GROCERIES, which he intends to keep up, which will sell lower for cash or exchange for country produce.

Nov. 25, 1845---605-15

JAMES R. PAGE,

DR. BEN. HENSLEY, JR.

WILL practice medicine in Frankfort and the adjacent country. Office on the West side of St. Clair street, in the room formerly occupied by Dr. Wilson, and one door below Morehead & Reed's Law Office.

Through the various charitable institutions of a large city, to one of which (Philadelphia Hospital, Blockley's) he was appointed a "Resident Surgeon." Dr. H. amassed a fund of practical information that, otherwise, would have required years with an ordinary practice.

March 24, 1846---702-15

JOHN C. HERNDON,

ATTORNEY AT LAW, FRANKFORT, KENTUCKY.

WILL practice in all the Courts held in Frankfort---The Anderson, Owen, Washington, and Jefferson Courts---and will attend to the collection of debts in any part of the State. Office on St. Clair street, 2d door above the Court House.

April 1, 1846---509-15

J. HARLAN & G. W. CRADDOCK,

WILL practice Law in co-partnership in the different Courts holding their sessions in Frankfort, and they will attend to business confined to them, in any of the adjoining counties. Office on St. Clair street. Frankfort, April 1, 1844---509-15

HOUSE AND LOTS FOR SALE.

DESIRED to take a residence more retired, I will sell, if early application be made, my house and lots in Frankfort, on Ann and St. Clair streets, and excellent under and above ground conveniences for a town house. The garden is perhaps one of the best stocked, for its size, in the Western country, abounding in every production, adapted to the climate, necessary to the comfort and luxury of a family. The collection of fruit and nut trees, and shrubbery, a family which are nearly 100 varieties of superb roses.

Besides the lot of 100 feet front on Ann, attached to the house, there are three elegant building lots, two of 50 and one of 40 feet front on Ann, and one of 100 feet front on St. Clair, the latter being 200 feet long. I will sell in parcels, or the whole together. Terms, liberal, made known on application. THO. B. STEVENSON.

April 21, 1846---705-15

CEMETERY LOTS.

PERSONS desirous to procure lots in the NEW CEMETERY, can do so by calling on H. T. TAYLOR, Treasurer. Those persons who have already purchased, will please call on him at the Bank, pay the first installment, and execute their notes for the two last installments.

Frankfort, Nov. 4, 1845---602-15

NOTICE.

ALL persons indebted to me by my account, are requested to call upon W. T. HERNDON, who is my attorney in fact, and alone authorized to collect and receive the same.

Oct. 28, 1845---601-15

M. R. STEALEY,

All interested in the foregoing notice are requested call at once and settle and pay up. The same being transferred. No indulgence can be given.

W. T. HERNDON.

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## THE DAILY COMMONWEALTH.

FRANKFORT, WEDNESDAY, FEB. 10, 1847.

### KENTUCKY LEGISLATURE.

#### IN SENATE.

TUESDAY, FEB. 9.

The Senate was opened with prayer by Rev. Mr. Norton.

Mr. BRADLEY, from committee on Enrollments, reported that said committee had examined sundry bills and found them duly enrolled, whereupon they were severally signed by the Speaker of the Senate.

Petitions were presented by Senators Ballard, Thurman and Bristow, and appropriately referred.

#### Reports from Standing Committees.

Mr. HARDIN, from committee on Judiciary, reported a bill for the benefit of Elizabeth Jane Smith and others; passed.

Also—a bill to incorporate the Firemen's Insurance company of Lexington; passed.

Also—a bill from H. R. to amend the law in relation to guardians and wards, with amendments—amendments concurred in, and bill passed. (The bill provides, that when guardian and ward shall be non-resident's, and latter may have property in this State, the guardian may, upon producing due evidence to the proper court of this State, of his having given full bond in the State in which he resides, exercise all necessary control over the property of his ward in this State.)

Also—a bill from H. R. to amend an act reducing into one the several acts concerning the town of Danville; passed.

Also—a bill from H. R. for the benefit of Ann Neal, with amendments; amendments concurred in, and bill passed.

Also—a bill from H. R. for the benefit of James Pervis and wife, and Walter Johnson of Green county—authorizing the County Court to make allowances for their support—with an amendment requiring said allowance to be made—amendment concurred in, and bill passed.

Also—a bill from H. R. to amend the charter of the city of Louisville—directing a poll to be opened, and the power of the Mayor and Council to grant licenses to coffee houses, to depend upon the wishes of a majority of the citizens of said city, as expressed at the polls; passed.

Also—a bill from H. R. for the benefit of John W. Holtzclaw; passed.

Also—a bill from H. R. for the benefit of Elizabeth Bowen and children; passed.

Also—a bill from H. R. to change the time of holding the spring term of the Whitley circuit court to the 3rd Monday in March, and continue six judicial days; passed.

Also—a bill from H. R. for the benefit of Winston Mayo, clerk of the Johnson circuit court, and Daniel Hager, sheriff of Johnson county, allowing them further time to collect fee bills; passed.

Also—a bill from H. R. for the benefit of Geo. W. Jones and others—allowing a conveyance of land in Henry county; passed.

Also—a bill from H. R. directing special terms of the Circuit courts of Bath, Estill and Lewis counties; a criminal and chancery term in Bath, commencing on Tuesday succeeding 2nd Monday in July in each year and continue five days—special term for common law, chancery and criminal cases in Estill county, on Tuesday succeeding 3rd Monday in July of this year and continue five days—an additional criminal and chancery term to Lewis, commencing 2nd Monday in June next and continuing five days.

Also—a bill from H. R. for the benefit of A. M. Clifford, N. H. B. and Sydney T. Fontaine, praying authority for sale and conveyance of property in Louisville—with the opinion that it ought not to pass. Report concurred in, and bill rejected.

Mr. PEYTON, from the same committee, reported a bill from the H. R. for the benefit of the Trustees of the town of Portland, authorizing sale of street, with amendment requiring concurrence of citizens on said street to sale; amendment concurred in, and bill passed.

Mr. CRENshaw, from same committee, reported a bill for the benefit of David Bell Fry and Mary Jane Fry, authorizing sale of land in Madison county; passed.

Mr. W. S. BOTTs obtained leave to bring in a bill for the benefit of Jeff Evans, of the county of Greenup.

Mr. GRAVES reported a bill to appropriate \$2,000 for clearing out obstructions in the Rolling Fork; referred.

Mr. BRADLEY spoke in high terms of this officer, and hoped the bill would pass.

The bill was passed.

Mr. BRAMLETTE offered the following joint resolution, and the rules having been dispensed with, the resolution was adopted:

Resolved by the General Assembly, &c., That they will, on the 15th day of February, 1847, proceed by joint vote of both houses, to the election of Public Officers of the State.

Leave was given to bring in the following bills, viz:

Mr. SOUTH, a bill to legalize the acts of Jackson Combs, surveyor of Perry county.

Mr. RUSSELL, a bill to amend the charter of the Frankfort Bridge Company; referred to committees to prepare and report said bills.

#### Orders of the Day.

The Senate resolved itself into committee of the whole, Mr. WILLIAMS in the chair, and entered upon the further consideration of the unfinished business of yesterday, being a bill limiting certain actions.

The bill provides, that all action upon any note or obligation, shall be commenced within six years from the time the cause of action accrues, but not to apply to past obligations until three years after the passage of the act, and with the usual provision in favor of minors, female coverts and insane persons.)

After some time spent therein, on motion of Mr. PEYTON, the committee rose and reported the bill with its amendments to the Senate.

Upon concurring in the following amendment adopted in committee, viz:

Provided, That each defendant who shall take advantage of this act, by plea of limitation, shall file with such plea, his or her affidavit in writing, stating that the debt, the foundation of the act, has been paid, or is wholly unjust, unless such defendant shall be sued in his representative character, in which case, he shall be required to state, in said affidavit, that he verily believes said debt is wholly unjust, and has been paid, but no proof shall be required of the truth of said affidavit.

The years and nays were as follows, viz:

YEAS.—Messrs. Ballard, Boyd, Bradley, Brantlett, Brien, Bristow, Crenshaw, Evans, Holloway, James, Rice, Russell, Slaughter, Taylor, Thomas, Thornton, Thurman, Todd, Walker, Wall and Williams—21.

NAYS.—Messrs. Hardin, Hawkins, Helm, Key, McNary, Patterson, Peyton, J. Speed Smith, South, and Swope—10.

So the amendment was concurred in.

Mr. PEYTON remarked, that he considered the adoption of this amendment as a death blow to the bill, and would therefore move to lay the bill on the table, which motion was adopted.

The bill from H. R. to remove the county seat of Mason coming up.

On motion of Mr. KEY, its consideration was postponed until to-morrow.

Mr. HAWKINS moved, that counsel for the parties in this case, one on behalf of Maysville, and one on the part of Washington, be admitted to the bar of the Senate, and heard for and against the bill.

Messrs. PEYTON, PATTERSON and J. SPEED SMITH opposed the the motion upon principle—it is in their view wholly improper to admit legal counsel upon any question of this kind.

Mr. KEY hoped that the motion would pass, as the advocates for removal did not consider themselves represented on the floor of the Senate—his own individual interests being opposed to the removal.

The motion was negatived.

On motion of Mr. BOYD, the bill was made the special order for eleven o'clock to-morrow.

On motion the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

Prayer by the Rev. Mr. WATERMAN.

The journal of yesterday was read by the clerk.

Mr. COVINGTON, from select committee, to whom was referred certain charges against the Surveyor of Trigg county, reported a resolution asking a discharge from further consideration of the charges; adopted.

A message was received from the Senate, announcing the passage of sundry bills, &c.

Petitions were presented by Messrs. Covington, Tandy, Gilbert, Page, Munford, Dickerson and Reed.

Mr. W. S. BOTTs obtained leave to bring in a bill for the benefit of Jeff Evans, of the county of Greenup.

Mr. GRAVES reported a bill to appropriate \$2,000 for clearing out obstructions in the Rolling Fork; referred.

#### Reports from Standing Committees.

The chairman of the committee on Religion reported against the petition of Anderson R. Murray.

Mr. ALEXANDER moved that the report of the committee be reversed. He supported his motion in a few remarks.

Mr. A. G. BOTTs supported the report of the committee.

Mr. REED followed in support of the motion, and believed this as meritorious a case as would be presented to the Legislature.

Also—a bill to allow an additional Justice of the Peace to Casey county; passed.

Also—a bill from H. R. to change the name of Pinchbeck, in Ohio county, to that of Rogersville; passed.

Also—a bill from H. R. for the benefit of Joseph C. Lynn, authorizing him to bring from Mississippi a family of slaves consisting of five; passed.

Also—a bill from H. R. to allow an additional constable to Pulaski county; passed.

Also—a bill from H. R. to change the names of Noah Sowers to Noah Humble, Wm. M. to Wm. T. S. Decoursey, David S. Lusk to Benjamin F. Blackburn, and Sally Muncey to Sarah Stivers; passed.

Mr. HAWKINS, from same committee, reported a bill from H. R. authorizing John Woodburn of Madison, Ia., to import a slave into this State, for the benefit of his daughter, living in Carroll county; passed.

Mr. J. SPEED SMITH, from committee on Internal Improvement, reported a bill from H. R. to change the State road from Hopkinsville to Gray's Ferry; passed.

Also—a resolution adverse to the petition of sundry citizens of Madison county; concurred in.

Mr. SWOPE, from same committee, reported a bill declaring a forfeiture of the charter of the Licking Navigation company.

On the motion of Mr. BOYD, the bill was passed into the orders of the day.

Mr. JAMES, from the committee on Finance, reported a bill in relation to the duties of the Clerks of the Circuit and County Courts; directing the 2d Auditor to deduct 25 per cent. from allowance to former for *ex-officio* services, and from allowance to latter, of compensation for copying Commissioner's books, in each case where the Clerk may fail to return within proper time the list of claims allowed by their respective courts; passed.

Also—a bill to authorize the several County Courts to grant licenses to wharf boats; read first and second times.

Mr. SMITH stated that the husband of the petitioner was now incarcerated within the walls of the penitentiary. If there ever was a case which should be listened to, this was one.

After some remarks from Mr. ARMSTRONG, Mr. WORTHAM spoke, censuring the practice

of making so many long speeches, upon these divorce cases, when the previous question was ordered.

The yeas and nays were called for by Mr. ARMSTRONG, when the bill passed; yeas 52, nays 34.

Also—against the Senate bill for the divorce of Catharine W. Hutchinson.

Mr. GLENN urged the passage of the bill, and Mr. BOTTs replied.

Mr. PROCTER remarked upon the impropriety of consuming so much time upon divorce cases. He thought it a much better plan to permit the committee to report upon the merits of each case, and concur in their report.

The bill then passed.

Also—against the petition of James and Elizabeth Armstrong; concurred in.

Also—against the petition of Stephen Carpenter; concurred in.

Also—against the petition of Joseph James; concurred in.

Also—against the petition of Joseph Neaser; concurred in.

Also—against the petition of John; concurred in.

Also—against a bill for the divorce of John S. Petty; concurred in.

Also—against the petition of Ellen Honeycut; concurred in.

Also—against the petition of Mahaniel Askins.

Mr. MAYHALL stated the circumstances of the case, and urged the passage of the bill. The previous question being ordered, the committee were instructed to report a bill.

Also—against the petition of Phebe Wilkins.

Mr. JOHNSTON moved to reverse the report of the committee, and stated the grounds on which a divorce was asked.

After further discussion the previous question was demanded, and the report was concurred in—yeas 35, nays 4.

Orders of the Day.

The House then went into committee of the whole, Mr. DESHA in the chair, on the bill to incorporate the Licking and Lexington Railroad Company.

Mr. W. S. BOTTs offered an amendment to the amendment of Mr. GLENN, requiring a tax to be levied on each share of the stock of the company.

Mr. GLENN accepted the amendment in the place of that proposed by himself.

Mr. BOTTs remarked that he did not oppose the measure because it interfered with any present improvements. He was opposed to monopolies, of whatever character.

The amendment proposed a tax to be levied on the stock of the road, similar to that paid by the holders of bank stock. He believed this would be equitable and just.

Mr. STEVENSON then addressed the House at length upon the various topics connected with this bill, and the interests which were to be affected by it. He felt a deep interest in the bill, an interest which he would not attempt to conceal, an interest which concerned not only the extensive country through which the proposed railroad would pass, but the sections immediately contiguous to them, but which respected the wealth, the revenue and the prosperity of the whole State of Kentucky. He proposed first to show that the proposed road would bring an increased amount of money into the treasury; not by theories in political economy but by the examples of other States. That this would be effected, not by direct revenue arising from the road, but from the increased value of the lands in its vicinity, and of property, by which those who at present pay no more than two dollars, would then pay three dollars.

He assumed that labor was wealth—that when the amount or the facilities of labor were increased in a State, by so much was the wealth of that State augmented. The great extent to which the division of labor was carried in some countries, and the wealth resulting therefrom was alluded to. Along the line of the railroad, not only would a market be opened for all the surplus products of those counties which now were shut out from market, but the very labor necessary to take them there would be diminished in a great proportion. The servants who now toiled on their way to market, would then apply their labors to delving in the soil, and the cattle which were necessary, would be dispensed with, and not only their value be saved, but also that which they were wont to consume.

An instance had been related to him by the Editor of the Cincinnati Gazette, where a farmer residing but twenty-eight miles from the city, had never brought a pound of butter, or a quart of milk to market. A railroad was constructed by his door, and the last year he had cleared some \$4,200 from this articles from his farm.

In this way we increase the wealth, add to the strength and bind together in unity, our common Country.

Mr. S. here read a table of statistics showing the increase in the value of land, and in the taxable property of the counties along the Kentucky, Green and Barren rivers, since the commencement of the improvements of those rivers, showing a constant and rapid increase in all of them. To what was this due? It could be attributed to nothing but the improvements of the rivers.

He had spoken of the coal, of the iron, and of the various productions of the mountains. It was because if the road should be built, a new avenue would be opened to these productions. They could then have a selection in markets—either take the old channel to Louisville or the new to Cincinnati. He was not in favor of building up any particular city. He was attached to this commonwealth, and to the whole of it, and it was not the interest of the State to force trade in any particular channel to favor a city. Trade could not be forced—it would not be confined nor restrained.

He was not opposed to monopolies in themselves, but they should be properly guarded and restricted. He was not so anxious to secure the interests of any one part of the commonwealth as to neglect the interest of the whole State. Therefore he would insist as a condition of the charter some such provision as that proposed by his friend from Todd, yesterday.

Mr. S. next alluded to the statistics of the counties of Harrison, Pendleton, Boone, Campbell and Kenton; counties without a turnpike road, or slack water within their limits, and showed the amount of revenue which they paid into the treasury. He alluded to the rapid growth of Cincinnati as a living example of what can be accomplished by enterprise and energy; and to the examples of other States in constructing their railroads and canals, and invoked Kentucky to arouse from her Rip Van Winkle sleep and prosecute some of her much needed works. It was said that the work proposed would injure the works already completed on the Kentucky river. It would do no such thing; but if it did, let them go; he would sooner tear out the locks and dams than attempt to turn the course of agricultural products upstream. It was a virtual agreement before the works of internal improvement were commenced, that each section of the State should have its share, the northern, the middle and the southern. The Kentucky, Green and Barren rivers had been commenced. An appropriation was made for the Licking river, but in view of the ruinous condition of the works on Kentucky river, the appropriation had been expended on them, and not a dollar had yet been applied to the Licking river. This money had been contributed from the labor and the earnings of the

people of the Licking valley. They might now claim an appropriation to carry out the pledges of the State. But they did not demand this. All they ask is to give them the privilege of building this road with their own money, of opening a market to their products by their own enterprise. They asked nothing from the treasury. And should



